

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00175

**Thomas Earl Criner,**  
*Plaintiff,*

v.

**Helen Bowman et al.,**  
*Defendants.*

**O R D E R**

Plaintiff Thomas Earl Criner, a former inmate of the Henderson County Jail proceeding pro se, filed this civil action in the form of a motion for injunctive relief complaining of alleged deprivations of his rights. The case has been referred to United States Magistrate Judge K. Nicole Mitchell.

Plaintiff stated that he is a chronic diabetic with low blood sugar and sought a court order for bedside aid protein supplements or sugar aid. The defendants filed a motion to dismiss stating that plaintiff is no longer in the Henderson County Jail. Doc 19. The defendants therefore argued that plaintiff's request for injunctive relief be dismissed as moot.

On October 10, 2023, the magistrate judge issued a report recommending that the lawsuit be dismissed as moot. A copy of this order was sent to plaintiff's last known address but no objections have been received. The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Co. of Can.*, 931 F.3d 412, 420-21 & n.9 (5th Cir. 2019).

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. See *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc). Having reviewed the magistrate

judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The above-styled civil action is dismissed without prejudice as moot.

*So ordered by the court on December 4, 2023.*



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J. CAMPBELL BARKER  
United States District Judge